

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

SALLY STEWART,

Plaintiff

v.

Civil Action No. 2:09-126

WEST VIRGINIA EMPLOYERS' MUTUAL  
INSURANCE COMPANY, a West  
Virginia corporation doing  
business as BrickStreet Mutual  
Insurance Company and BrickStreet  
Administrative Services,

Defendant

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BETTY MCGHEE,

Plaintiff

v.

Civil Action No. 2:09-127

WEST VIRGINIA EMPLOYERS' MUTUAL  
INSURANCE COMPANY, a West  
Virginia corporation doing  
business as BrickStreet Mutual  
Insurance Company and BrickStreet  
Administrative Services,

Defendant

MEMORANDUM OPINION AND ORDER

Pending is the motion of West Virginia Employers'  
Mutual Insurance Company, d/b/a BrickStreet Mutual Insurance  
Company and BrickStreet Administrative Services ("BrickStreet")  
to consolidate the above captioned actions, filed March 5, 2009.

The plaintiffs have responded and assert that they do not object to the consolidation of the cases.

Rule 42(a) of the Federal Rules of Civil Procedure governs the consolidation of civil cases, and provides as follows:

(a) Consolidation. If actions before the court involve a common question of law or fact, the court may . . . consolidate the actions . . . .

Fed. R. Civ. Proc. 42(a). Our court of appeals has accorded the district courts broad discretion in ruling on motions to consolidate cases, recognizing the superiority of the trial court in determining how best to structure similar pieces of litigation. See A/S J. Ludwig Mowinckles Rederi v. Tidewater Const. Co., 559 F.2d 928, 933 (4th Cir. 1977) ("District courts have broad discretion under Fed. R. Civ. P. 42(a) to consolidate cases pending in the same district.").

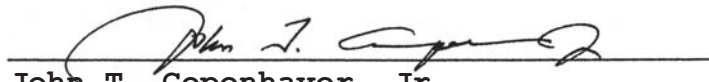
After having carefully reviewed the record, the court finds that both actions derive from a similar factual background and that issues surrounding liability and damages appear to be related so as to favor consolidation in order to fully and expeditiously resolve all claims in these actions.

Accordingly, it is ORDERED that the defendant's motion to consolidate be, and it hereby is, granted. It is further

ORDERED that Stewart v. West Virginia Employers' Mutual Insurance Company, 2:09-cv-126, be, and it hereby is, designated as the lead case. All further filings shall be captioned and docketed using the style and action number of that case.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record.

DATED: March 23, 2009

  
John T. Copenhaver, Jr.  
United States District Judge